

February 20, 1956

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CONCORD, N.H.

Dr. Simon G. Markos, Secretary
8 Renaud Avenue
Dover, New Hampshire

Dear Dr. Markos:

With respect to the letter of Dr. Harlan F. Besse of the New Hampshire State Hospital to you, dated February 10, 1956, asking the legal requirements with regard to employing a non registered dentist as Junior Dental Resident, I advise as follows.

The applicant is not a United States citizen so is not eligible for registration. RSA 317:7 requires that applicants for license shall be "a citizen of the United States."

RSA 317:17 defining practice of dentistry permits students to perform dental operations under the supervision of a registered dentist at a state hospital.

I have no knowledge of whether or not this applicant for the state hospital position is a bona fide student. Dr. Besse mentions that he is a graduate of the University of Athens, Greece, but this gives no clue as to whether or not this merely embraces pre-dental studies or also included dental education.

It is a policy of the United States government to encourage exchange of foreign students and to permit students from Greece to study in our American institutions. I do not believe the requirement of citizenship is legally essential to his employment in a bona fide student status for one year as suggested.

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If, however, this man is a bona fide graduate student or intern (and looking to eventual citizenship and registration here in this state, and it is desired to employ him during the period of his graduate studies and internship, it is permissible. I do not believe it is unreasonable to require that he at least take out his first papers and thereafter during his employment as such Junior Dental Resident pursue the normal steps towards citizenship if otherwise qualified therefor.

I do not believe that legal authority exists to employ graduate dentists, who are disqualified from registration for some reason although they have completed their dental education, by designating them as students.

Very truly yours,

George F. Nelson
Assistant Attorney General

GFN:W